

**910 KAR 1:160. Program and certification requirements for the Adult Day and Alzheimer's Respite Program.**

RELATES TO: KRS Chapter 13B, 194A.060(2), 194A.700(1), (2), 205.010(6), (15), 205.201, 205.203, 205.204(1), 205.455(4), 205.460, 205.465, 205.950, 205.955, 209.030(2), (3), 216.787, 42 U.S.C. 3001, 3025

STATUTORY AUTHORITY: KRS 194A.050(1), 205.204(2), 205.950, 42 U.S.C. 3025

NECESSITY, FUNCTION, AND CONFORMITY: KRS 205.950 requires the Cabinet for Health and Family Services to promulgate administrative regulations to establish health, safety, and treatment requirements for certified adult day-care centers, and to establish criteria for their certification. 42 U.S.C. 3025 requires grants to states to provide assistance in the development of new or improved programs for older persons. KRS 194A.050(1) requires the cabinet to adopt administrative regulations as necessary to implement programs mandated by federal law, or to qualify for the receipt of federal funds. KRS 205.204 designates the cabinet as the state agency to administer 42 U.S.C. 3001 in Kentucky. This administrative regulation establishes the adult day and Alzheimer's respite program.

Section 1. Definitions. (1) "Activities of daily living" is defined by KRS 194A.700(1).

(2) "Adult day-care center" is defined by KRS 205.010(15).

(3) "Adult day center respite" means respite provided in a group setting outside the home.

(4) "Adult day health services" means a licensed program to provide continuous supervision of the client's mental and health needs.

(5) "Adult day services" means a supportive and therapeutic social program of supervision and care:

(a) Provided to an eligible adult as defined in Section 2 of this administrative regulation;

(b) During a part of the day, but for less than twenty-four (24) hours; and

(c) For:

1. Assistance with self-administration of medication;

2. Personal care services;

3. Self-care training;

4. Social activities; and

5. Recreational opportunities.

(6) "Alzheimer's disease or related dementing diseases" means neurological diseases causing gradual and irreversible impairment of intellectual functioning of a sufficient severity to interfere with an individual's daily activities.

(7) "Alzheimer's respite" means a therapeutic social program of supervision and care provided to a client with Alzheimer's disease or related dementing disease in a client's home or in a center to enable the caregiver temporary relief from care giving duties.

(8) "Area plan" means the plan submitted by a district for the approval of the department that releases funds under contract for the delivery of services within the planning and service area.

(9) "Assessment" means the collection of information and evaluation about a person's situation and functioning which identifies needs and resources so that a comprehensive plan of care may be developed.

(10) "Assistance with self-administration of medication" is defined by KRS 194A.700(2).

(11) "Case management" means:

(a) A process for ensuring that participants receive appropriate, comprehensive, and timely services to meet their needs as identified in the assessment process;

(b) Planning;

(c) Referring the participant to appropriate agencies and individuals in the informal care giving systems;

(d) Monitoring; and

(e) Advocacy through case work activities in order to achieve the best possible resolution of individual needs.

(12) "District" is defined by KRS 205.455(4).

(13) "Identifiable space" means space set apart by visible barriers from other activities within the setting.

(14) "In-home respite" means respite provided in the client's home.

(15) "Licensed adult day health center" means a program licensed by the Kentucky Cabinet for Health and Family Services in accordance with 902 KAR 20:066.

(16) "Needy aged" is defined by KRS 205.010(6).

(17) "Nutrient dense snack" means a snack that contains a high proportion of nutrients in comparison to the number of calories.

(18) "Personal care services" means activities to help participants achieve and maintain good personal hygiene, including assistance with walking and activities of daily living.

(19) "Plan of care" means a written guide of action:

(a) Developed and agreed upon by the:

1. Client;

2. Primary caregiver, if applicable; and

3. Program case manager;

(b) Based upon the participant's needs, goals, and resources; and

(c) Including appropriate services to meet identified needs and achieve objectives.

(20) "Reassessment" means the formal reevaluation of the participant's situation and functioning and of the services delivered to identify changes that may have occurred since the last assessment.

(21) "Unit of service" means one-half (1/2) hour of direct service.

Section 2. Eligibility. To participate in the adult day and Alzheimer's respite program, an individual shall:

(1) Be able to respond and share in program activities without creating health and safety risks to self or others; and

(2)(a) Be:

1. Sixty (60) years of age or older;

2. Physically disabled or frail as a result of medical condition or age; and

3. In need of supervision or assistance during part of the day;

(b) Be:

1. Sixty (60) years of age or older;

2. Mentally confused; and

3. In need of supervision to prevent injury, assure proper nutrition, and assist with self-administration of medication;

(c) Be:

1. Sixty (60) years of age or older; and

2. One who, because of emotional or social needs, may benefit from the individualized attention and social structure available through these services which are not otherwise available; or

(d) Be:

1. Any age; and

2. Have a diagnosis of probable Alzheimer's or related dementing disease, as confirmed by

a written statement from a physician after a diagnostic evaluation.

Section 3. Assessment and Case Management. (1)(a) Each applicant for services shall be assessed for eligibility and need of services.

(b) For each eligible applicant, a plan of care shall be developed using the completed assessment, with participant involvement to the fullest extent of his or her abilities.

(2)(a) The case manager shall refer the client for other needed services identified by the assessment.

(b) One (1) service provider shall provide case management to a client receiving multiple services.

(3) The program director shall arrange for or conduct a formal reassessment at least every six (6) months.

Section 4. Fees and Contributions. (1) A case manager shall be responsible for determining fee paying status, using the following criteria:

(a) A fee shall not be assessed for the provision of assessment or case management services.

(b) The case manager shall:

1. Consider extraordinary out-of-pocket expenses to determine a client's ability to pay; and
2. Document in a case record a waiver or reduction of fee due to the extraordinary out-of-pocket expenses.

(c) A fee shall not be assessed to an eligible needy aged individual.

(d)1. SSI income or a food stamp allotment shall not be deemed available to other family members.

2. The applicant receiving SSI benefits or a food stamp allotment shall be considered a family of one (1) for the purpose of fee determination.

(2)(a) An eligible person shall be charged a fee determined by the cost of the service unit multiplied by the applicable percentage rate shown in the chart in paragraph (c) of this subsection, based upon income and size of family using the official poverty income guidelines published annually in the Federal Register by the United States Department of Health and Human Services.

(b) Service unit cost shall be determined by the state agency or contracting entity in accordance with its contract.

(c) The fee amount shall be calculated using a percentage rate based on the household's percentage of poverty, as follows:

Percentage of Poverty	1 Person	2 Person	3 Person or More
0-129%	0%	0%	0%
130%-149%	20%	0%	0%
150%-169%	40%	20%	0%
170%-189%	60%	40%	20%
190%-209%	80%	60%	40%
210%-229%	100%	80%	60%

230%- 249%	100%	100%	80%
250% and above	100%	100%	100%

(3)(a) A contribution from an individual, family, or other entity shall be encouraged.

(b) Suggested contribution rates may be established; however, pressure shall not be placed upon the client to donate or contribute.

(c) Adult day services shall not be withheld from an otherwise eligible individual based upon the individual's failure to voluntarily contribute to support services.

(4) The district shall review and approve the procedure implemented by a service provider for the collecting, accounting, spending, and auditing of fees and donations.

(5)(a) The adult day care program funding formula, as required by 42, U.S.C. 3025(a)(2)(A)(i), shall consist of a \$30,000 base for each district, with the remaining amount of funds distributed in proportion to the district's elderly (sixty (60) plus) population in the state.

(b) The department may increase base funding as the need is determined contingent upon available funding.

Section 5. Termination or Reduction of Services. (1)(a) Only a case manager or client may decide to terminate adult day and Alzheimer's respite services.

(b) Adult day and Alzheimer's respite services may be reduced if:

1. The client's condition or support system improves; or

2. A determination that the plan of care specified in Section 3(1) of this administrative regulation cannot be followed.

(2) If adult day and Alzheimer's respite services are terminated or reduced, the case manager shall:

(a) Inform the client of the right to file a request for a hearing in accordance with Section 12 of this administrative regulation;

(b) Notify the client or caregiver of the action taken; and

(c) Assist the client and family in making a referral to another agency, if applicable.

Section 6. Service Provider Responsibilities. (1) The service provider shall meet the following general requirements:

(a) Assure that program staff shall treat the client and caregiver in a respectful and dignified manner, involving them in decisions regarding the delivery of services;

(b) Assure that services are provided in a safe and consistent manner;

(c) Collect the fee for service as determined by the case manager based on the sliding fee scale in Section 4 of this administrative regulation;

(d) Use fees and donations to increase services;

(e) Maintain a written job description for each paid staff and volunteer position involved in direct service delivery;

(f) Develop and maintain written personnel policies and a wage scale for each job classification;

(g) Designate a supervisor to assure that staff providing adult day services are provided supervision;

(h) Comply with applicable district administrative policies and procedures and service contracts;

(i) Provide access for staff of the district and cabinet for monitoring and evaluation purposes;

(j) Notify a case manager should the service needs of the client change due to a change in the client's:

1. Health;
2. Support services;
3. Family; or
4. Caregiver; and

(k) Develop for district approval policy and procedure:

1. For a client's referral for service to other appropriate programs and services currently provided in the district;
2. To reach a prospective client through community education and outreach activities;
3. For volunteer programs to be utilized;
4. For the periodic monitoring of a client for the appropriateness of adult day services and to assure safety and consistency;
5. For acceptance of a voluntary contribution and assurance the contribution shall be used to maintain or increase the level of service;
6. For the reporting of abuse, neglect, and exploitation consistent with KRS 209.030(2) and (3); and
7. For the manner in which delivery of adult day services shall be provided to an eligible individual.

(2) The service provider shall establish written policies and procedures to meet the following program requirements for adult day center respite services:

(a) Establish a schedule of days and hours of operation so that the program operates, at a minimum, four (4) hours per day, three (3) days per week, excluding holiday and emergency closings;

(b) Post the scheduled days and hours of operation in a conspicuous place and provide a written copy to the client and caregiver;

(c) Supervise program activities which shall be provided by staff or volunteer personnel meeting staff requirements as set forth in Section 9 of this administrative regulation;

(d) Provide a balance of planned individual and group activities to meet a client's needs, abilities, and interests as determined by the individual plan of care;

(e) Provide an inventory of each client's interests and personal history;

(f) Provide a client an opportunity to plan and evaluate activities on a monthly basis;

(g) Provide a client with a choice of activities and an opportunity to refuse to participate in the activity;

(h) Post a monthly calendar of planned activities and available services in a conspicuous place and retain it on site for a minimum of two (2) years for monitoring purposes;

(i) Provide assistance, if necessary, with activities of daily living, including:

1. Walking; and
2. Personal hygiene;

(j) Provide assistance with self-administration of medications;

(k) Provide a meal that complies with 910 KAR 1:190 if operating during normal meal time;

(l) Allow a client, as a supplementary activity to staff assignments, an opportunity to assist in planning menus;

(m) Offer a nutrient dense snack, water, and other liquids at regularly scheduled times during the day;

(n)1. Post a monthly calendar of menus in a conspicuous place if meals are provided; and

2. Maintain menus for monitoring purposes for a minimum of two (2) years;

(o) Provide first aid and make appropriate arrangements for medical care with the client's physician or hospital for an accident or medical emergency;

(p) Notify the family or other appropriate person listed in the client's record, such as power of attorney, guardian, or emergency contact, of any significant changes in the client's mental or

physical condition;

(q) Refer a client to a health professional of the client's choice, as needed;

(r) Establish linkages with another community agency or institution to better coordinate services;

(s) Assist a client and the client's family in identifying and accessing a community agency for:

1. Financial;

2. Social;

3. Recreational;

4. Educational;

5. Medical; and

6. Other individual needs and services, such as housekeeping, lawn care, errands, or transportation;

(t) Assist the family in arranging transportation;

(u) Notify the district immediately of a negative incident or accident involving a client, staff member or volunteer;

(v) Have written complaint procedures that shall:

1. Include the address and phone number of the department;

2. Be posted in a conspicuous place; and

3. Be provided to each client; and

(w) Provide a written report to the district in response to a complaint if requested.

(3) An adult day health center shall:

(a) Be monitored and licensed by the Office of the Inspector General; and

(b) Comply with licensure requirements for adult day health services in accordance with 902 KAR 20:066.

(4) In-home respite care service providers shall:

(a) Establish with the client and caregiver a monthly schedule of days and hours of service based on the assessment, plan of care, and agreement with the client and caregiver;

(b) Provide a copy of the schedule to the caregiver; and

(c) Supervise the client and program activities as determined by the assessment and plan of care for adult day services.

**Section 7. District Responsibilities.** A district shall submit to the cabinet a proposal within its area plan to include at least the following:

(1) An assurance of access to records of the district pertaining to its contract for delivery of adult day services;

(2) A plan for the delivery of adult day services in the area to be served by the district including identification of services currently provided in the district;

(3) A provision for case management and assistance for adult day services;

(4) A policy and procedure for implementation of case management and assessment services;

(5) A policy and procedure for assuring a client's eligibility in accordance with Section 2 of this administrative regulation;

(6) Assurance of a number of proposed clients for adult day services to be provided that complies with the minimum requirements of KRS 205.010(15);

(7) A cost unit of service to be used as a basis for determining an applicable percentage for the fee schedule as established in Section 4 of this administrative regulation;

(8) A policy and procedure for monitoring a subcontract for delivery of direct adult day services;

(9) Approval of policies and procedures of the service provider required by Section 6(1)(k) of this administrative regulation; and

(10) A policy and procedure assuring that the assessment required by Section 3(1)(a) of this administrative regulation shall include the following information submitted electronically to the department in the formats prescribed by the Aging Services Tracking System:

- (a) Demographic information, including family income;
- (b) Physical health;
- (c) Activities of daily living and instrumental activities of daily living;
- (d) Physical environment;
- (e) Mental and emotional status;
- (f) Assistive devices, sensory impairment, and communication abilities;
- (g) Formal and informal resources; and
- (h) Summary and judgment.

Section 8. Facility Requirements. An adult day care and Alzheimer's respite program provider operating a facility for service shall:

- (1) Comply with requirements outlined in 902 KAR 20:066 for a licensed adult day health center, if offering adult day health services;
- (2) Locate the adult day-care center in a geographic area that provides convenient access to a majority of older persons;
- (3) Locate, design, and furnish the adult day-care center to be readily accessible to and usable by individuals with disabilities;
- (4) Provide sufficient space and arrangements of furnishings to allow for:
  - (a) Adequate client movement;
  - (b) Program activities;
  - (c) Food service; and
  - (d) Socialization;
- (5) Provide sufficient private office space to permit individual counseling and confidential maintenance of records;
- (6) Provide appropriate lighting, heating, cooling and ventilation for client comfort and program activities;
- (7) Provide covered leak-proof garbage disposal units for the kitchen;
- (8) Equip each adult day-care center with bathroom facilities meeting the following requirements:
  - (a) A minimum of one (1) toilet and one (1) sink for each ten (10) clients;
  - (b) Readily accessible and usable by individuals with disabilities;
  - (c) In men's bathrooms urinals may be substituted for up to one-half (1/2) the number of toilets required; and
  - (d) Bathroom facilities that shall:
    - 1. Be cleaned and sanitized daily or more often, if needed, which shall be documented by a cleaning log; and
    - 2. Contain:
      - a. Hot and cold running water;
      - b. Mirror;
      - c. Soap;
      - d. Towels or electric hand dryers; and
      - e. Leak-proof garbage disposal units that are emptied and cleaned daily;
- (9) Comply with applicable local housing and health codes;
- (10) Comply with zoning requirements;

(11) Obtain initial and annual inspection by state or local fire safety officials and comply with requirements;

(12) Maintain at least one (1) fully operational fire extinguisher with annually updated inspection tags;

(13) Maintain a fully equipped first aid kit, with unexpired contents, as recommended by the American Red Cross;

(14) Provide identifiable space during hours of operation, for a client in need of a more private environment or rest area; and

(15)(a) Provide separate identifiable space during operational hours, if co-located in a facility housing other services.

(b) The following space may be shared with other services:

1. Dining room;
2. Kitchen; and
3. Recreation area.

Section 9. Program Staff. (1) Staffing requirements for a certified adult day-care center shall include:

(a) Trained and experienced staff who shall be present each day of operation;

(b) At least two (2) staff members at the adult day-care center at times when there is more than one (1) client in attendance, one (1) of whom shall be a paid staff member;

(c) Staffing ratios that shall be:

1. One (1) staff member if one (1) client is in attendance;
2. Two (2) staff members if two (2) to ten (10) clients are in attendance;
3. Three (3) staff members if eleven (11) to fifteen (15) clients are in attendance; and
4. One (1) staff member for each five (5) additional clients over fifteen (15);

(d) Volunteer personnel that may be included in the staff ratio, if volunteer personnel meet the staff qualifications and training requirements of this administrative regulation;

(e) A director who may be included as a volunteer in the staff ratio, if the director is solely providing coverage in the adult day-care and not covering a senior center or another program during the volunteer time.

(f) At least one (1) staff member who has completed cardiopulmonary resuscitation certification by the American Heart Association or American Red Cross present when clients are in attendance; and

(g) A criminal records check that shall be obtained on a potential employee or volunteer prior to the:

1. Employee's date of hire in accordance with KRS 216.787; or
2. Volunteer's start date.

(2) Staff qualifications for programs shall be as follows:

(a)1. A director of an adult day-care center shall be:

a. A trained professional possessing:

(i) A minimum of a bachelor's degree in social work, nursing or a related field relevant to geriatrics and one (1) year professional experience in working with the elderly; or

(ii) A master's degree in social work or a related field relevant to geriatrics and six (6) months professional experience working directly with the elderly;

b. A registered or practical nurse licensed in Kentucky with three (3) years professional experience working directly with the elderly while an employee of a:

- (i) Home health agency;
- (ii) Long-term care facility;
- (iii) Public health agency; or



- (iv) Social service agency; or
- c. An individual at least twenty-one (21) years of age with:
  - (i) A high school diploma or GED certificate; and
  - (ii) A minimum of two (2) years of college with at least three (3) years of professional experience in working directly with the elderly.
- 2. Professional experience that includes working directly with the elderly while an employee of a public or private health or social service agency may substitute for professional education to equal a minimum of five (5) years.
- (b) A case manager for adult day services shall meet the same qualification requirements specified in paragraph (d) of this subsection.
- (c) Administrators of licensed adult day health programs shall meet the requirements of 902 KAR 20:066.
- (d) Staff responsible for assessments or case management for participants shall:
  - 1. Have a bachelor's degree or master's degree in social work, gerontology, psychology, sociology, or a field relevant to geriatrics, no experience required;
  - 2. Have a bachelor's or master's degree in nursing with a current Kentucky nursing license, no experience required;
  - 3. Have a bachelor's degree in a field not relevant to geriatrics with two (2) years of paid or volunteer experience in working with the elderly;
  - 4. Be a Kentucky registered nurse with a current Kentucky license and two (2) years of experience working with the elderly; or
  - 5. Be a licensed practical nurse with a current Kentucky license and three (3) years of paid or volunteer experience working with the elderly.
- (3) Upon employment, a tuberculosis screening shall be conducted according to current Center for Disease Control and Prevention standards and repeated annually thereafter.
- (4) Staff or volunteer personnel who contract an infectious disease listed in 902 KAR 2:020 shall not appear at work until:
  - (a) The infectious disease can no longer be transmitted; and
  - (b) He or she provides a physician's statement authorizing a return to work.
- (5) In-home respite staff shall meet the requirements of subsection (6) of this section and shall:
  - (a) Be twenty-one (21) years of age if working independently; or
  - (b) If working as a team to provide direct services, have one (1) member at least twenty-one (21) years of age and the other staff member at least eighteen (18) years of age.
- (6) Training of staff shall be provided by a professional familiar with the subject matter as follows:
  - (a) Prior to assuming duties, paid and volunteer personnel shall receive a minimum of six (6) hours of orientation to the program and adult day-care center, explained verbally and in writing, to include:
    - 1. Program objectives;
    - 2. Program policies and procedures;
    - 3. Health, sanitation, emergency, and safety codes and procedures;
    - 4. Client confidentiality; and
    - 5. Personnel policies and procedures;
  - (b) Within one (1) month of employment all staff shall be trained and certified in cardiopulmonary resuscitation;
  - (c) Within three (3) months of employment, staff shall be provided a minimum of thirty-four (34) hours of basic training that includes:
    - 1. The aging process;

2. Interpersonal communications;
  3. Personal care services;
  4. First aid;
  5. Identifying and reporting health problems;
  6. Stress management;
  7. Recognizing and reporting suspected adult abuse, neglect, or exploitation consistent with KRS 209.030(2) and (3);
  8. Universal blood and body fluid precautions;
  9. Dementia, including:
    - a. Causes and manifestations of dementia; and
    - b. Managing a client with dementia;
  10. Crisis intervention with a combative client; and
  11. Effects of dementia on the caregiver.
- (d) A minimum of eight (8) hours of annual training to review and update knowledge and skills shall be provided.
- (e) If in-home respite care is provided in teams, at least one (1) member shall have orientation and basic training and the other member shall be provided:
1. Orientation prior to assuming duties; and
  2. Basic training within three (3) months of employment.

Section 10. Client Records. (1)(a) A client record shall be typed or legibly written in ink with each entry dated and signed by the recorder and including the recorder's title.

- (b) Each client record shall be maintained at the program site and contain:
1. A completed assessment;
  2. Client notification by letter of eligibility, fees assessed, and the center's days and hours of operation;
  3. A monthly summary of the client's:
    - a. Objectives and goals;
    - b. Progress;
    - c. Physical and mental conditions;
    - d. Behaviors;
    - e. Participation;
    - f. Appetite; or
    - g. Other changes or observations noted by program staff and case manager;
  4. Emergency contact information including responsible party and personal physician;
  5. Attendance record;
  6. Record of services provided by in-home or other program services;
  7. Signed authorization for client to receive emergency medical care, if necessary;
  8. Ongoing reassessment and plan of care;
  9. Signed and dated medical summary and care plan, if referred on orders of a physician;
  10. Correspondence; and
  11. Closing summary.
- (2) Licensed day care centers shall maintain records as required by 902 KAR 20:066.
- (3) The service provider shall comply with reporting requirements of the district and the cabinet.
- (4) Confidentiality of records and reports shall be in accordance with KRS 194A.060(2).

Section 11. Certification of Adult Day-Care Centers. (1) An adult day-care center shall be certified by the cabinet.

(2) An authorized representative of the department shall have the authority to inspect premises and records required by this administrative regulation and may request assistance from the local health department upon receipt of a complaint.

(3) Application for certification shall be made by filing a DAIL-ADC-900 Application for Adult Day-Care Center Certification, with the Cabinet for Health and Family Services, Department for Aging and Independent Living, 275 East Main Street, Frankfort, Kentucky 40621.

(4)(a) Renewal of certification shall be made biennially.

(b) A renewal application shall be submitted sixty (60) days prior to the expiration date of the current certification.

(5)(a) Compliance with the health, safety, and treatment standards established in this administrative regulation shall be documented on a DAIL-ADC-901 Adult Day-Care Center Certification Check List.

(b) Documented compliance shall be confirmed by unannounced inspection pursuant to KRS 205.955 conducted by the department.

(6)(a) Regulatory violations identified during inspection shall be transmitted in writing to the adult day-care center:

1. Within fifteen (15) business days of the inspection;
2. With a DIAL-ADC-902 Statement of Noncompliance and Plan of Correction.

(b) The adult day-care center shall submit a written plan for the elimination or correction of the regulatory violations to the inspecting agency within fifteen (15) business days of receiving the department's DIAL-ADC-902 Statement of Noncompliance and Plan of Correction.

1. The plan shall specify the dates by which each of the violations shall be corrected.

2. The department shall review the plan and within fifteen (15) days of receipt of the plan for compliance:

a. Notify the adult day-care center whether the plan is acceptable or not, in writing;

b. If acceptable, issue a certificate certifying the adult day-care center for a two (2) year period; and

c. If unacceptable, specify the reasons.

3. If the department notifies the adult day-care center that the plan is unacceptable, the center shall amend the plan for compliance and resubmit it within fifteen (15) business days.

(7) If the department determines after reviewing the amended plan of compliance that certification shall be denied, the department shall, within ten (10) business days of the determination:

(a) Notify the adult day-care center of the determination;

(b) Notify the adult day-care center of the opportunity for an informal dispute resolution meeting between the department and a representative of the adult day-care center to be held within fifteen (15) days of the adult day-care center's receipt of the notice;

(c) Provide the center with any supporting documentation or materials regarding an issue of noncompliance; and

(d) Notify the adult day-care center of its appeal rights in accordance with Section 12 of this administrative regulation.

Section 12. Appeal Procedures. (1) If certification of an adult day-care center has been denied or revoked, the applicant shall be notified in writing of the right to appeal. The department shall send the notice by certified mail within ten (10) days of the determination.

(2) To request an administrative hearing, an applicant shall send a written request to the department within thirty (30) days, pursuant to KRS 205.950, after receipt of the notice.

(3) The denial or revocation of certification shall be effective upon the final decision of the secretary pursuant to KRS Chapter 13B.120.

(4)(a) If the denial or revocation is upheld by the secretary, the commissioner of the department or representative shall specify the date by which the adult day-care center shall close.

(b) The center shall be notified in writing in accordance with KRS 13B.120(5).

(5) An adult day-care center may appeal a final decision to the circuit court within thirty (30) days after the final order is mailed or delivered, in accordance with KRS 13B.140(1).

Section 13. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) "DAIL-ADC-900 Application for Adult Day-Care Center Certification", edition 2/10;

(b) "DAIL-ADC-901 Adult Day-Care Center Certification Checklist", edition 2/10; and

(c) "DIAL-ADC-902 Statement of Noncompliance and Plan of Correction", edition 2/10.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Cabinet for Health and Family Services, 275 East Main Street, Frankfort, Kentucky 40621, Monday through Friday, 8 a.m. to 4:30 p.m. (18 Ky.R. 1740; Am. 2271; eff. 1-10-1992; 23 Ky.R. 3995; 24 Ky.R. 107; eff. 6-18-1997; Recodified from 905 KAR 8:160, 10-30-1998; Recodified from 905 KAR 8:160, 10-30-1998; Recodified from 923 KAR 1:160, 7-8-1999; 34 Ky.R. 1860; 2135; eff. 3-19-2008; 35 Ky.R. 285; eff. 9-5-2008; 36 Ky.R. 1360; 1935; eff. 3-5-2010.)